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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,921	11/04/2005	Frederick Leslie Brown	CUNANT 1716US	4319
20210 7590 04/05/2010 DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301				
EXAMINER				
WILLIAMS, MAURICE L				
ART UNIT		PAPER NUMBER		
3611				
MAIL DATE		DELIVERY MODE		
04/05/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/555,921

**Applicant(s)**

BROWN, FREDERICK LESLIE

**Examiner**

MAURICE WILLIAMS

**Art Unit**

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-16 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-16 and 20-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-16, 20 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 2002/0050416) in view of Callan (US 2003/0132038).

Brown discloses:

A lift truck body (**20**) with a pair of rear wheels (**18**);

a lift mechanism (**28, 30**) connected to body by an arm (Fig. 1-2; between body **20** and pivot hinge **32**) on a vertically extending pivot (**34**) at the remote end of the arm;

a steering means (**24**);

wherein the lift mechanism is pivoted at a steering angle of substantially 90° (Fig. 5).

The front wheels (**36, 38**) are positioned forward of the pivot connection, and as far as possible toward the load bearing front forks (Fig. 1).

The front wheels are driven by hydraulic motors (**54**), which are on the hub of the wheels (Fig. 3).

The motors are driven by an internal combustion engine (**48**).

Brown does not directly disclose a single front wheel. However, Callan discloses a fork lift truck assembly with two rear wheels (**24, 25**) and a single front wheel (**23**); wherein the rear wheels are undriven (§ 0028, ln. 10-14 states that the wheels may be undriven-

therefore the drive means is only provided to the front wheel). Fig. 3 of Brown shows the front wheels pivot about the same vertical axis. It have been obvious to one having ordinary skill in the art at the time of the invention to modify Brown as taught by Callan by placing the single front wheel on the vertical axis, in order to decrease the turning radius of the front section of the vehicle, thereby enabling it to maneuver around tight corners (by placing the front wheel in the middle pivot portion disclosed in Brown, the front assembly would still be allowed to roll, or pivot up and down on either end, as provided in ¶ 0037 of Brown).

3. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Callan as applied to claim 20 above, and further in view of Hagin et al. (US 4,778,020). Brown and Callan disclose as discussed above, but do not directly disclose a gearbox. Hagin discloses a gearbox (3) connecting the motor to the wheels. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Brown as taught by Callan and Hagin in order to provide a well-known means of power transfer between the motor and wheel.

#### ***Remarks***

4. As discussed in the interview conducted March 4, 2010, the previous rejections of claims 26 and 27 are withdrawn. However, as provided above, all claims now stand rejected in view of Brown and Callan.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURICE WILLIAMS whose telephone number is

(571)272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maurice Williams/  
Examiner, Art Unit 3611  
Maurice Williams  
Examiner  
Art Unit 3611

MLW  
March 22, 2010

/LESLEY D MORRIS/  
Supervisory Patent Examiner, Art Unit 3611